

REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated October 26, 2006 and the decision of the Board of Appeals, decided on June 25, 2009, and, thus, the application is in condition for allowance.

By this reply, claims 29, 36, and 43 are amended. Claims 29-43 remain pending. Of these, claims 29, 36, and 43 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claims 29-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Petite et al. (US 6,437,692) in view of Mecham et al. (US 6,314,340). It is asserted that that Petite discloses residential gateway, control server, and article of manufacture of the present invention as claimed, but for stating that information is accessed from a climatic information providing server. It is further asserted that Mecham does disclose this deficiency and the combination of these references would have been obvious to one of ordinary skill in the art. Applicant respectfully traverses.

With respect to independent claims 29, 36, and 43, neither Petite nor Mecham, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as claimed. For example, Petite fails to disclose forwarding economic setpoint information to a control server over a WAN, said economic setpoint information being a cost below which the cost of operation of the residential device must stay, and wherein a control server determines the control parameters based upon an optimal level within the economic setpoint. These features are recited in each of the independent claims and are disclosed, for instance, in paragraph [0022] of the specification as published. Setting an economic setpoint allows a user to keep utility costs low while still producing an acceptable result, for instance, by

having healthy grass. The system optimizes the level of watering based upon the conditions determined over the internet as well as the economic setpoint. This optimization may cause the sprinkler to water at a certain time of day, water a certain amount each day, water a certain amount at certain periods, etc. based upon what is optimal. Petite discloses a customer workstation that periodically downloads and reviews rain gauge data that can initiate an automatic control signal appropriate with the customer's watering requirements (Petite, Column 13, Lines 23-28). Petite does not disclose any kind of optimization based on an economic setpoint. Petite simply discloses watering according to a schedule. Thus, this feature is not present in Petite.

Mecham fails to cure the deficiencies of Petite because Mecham also fails to disclose forwarding economic setpoint information to a control server over a WAN, said economic setpoint information being a cost below which the cost of operation of the residential device must stay, and wherein a control server determines the control parameters based upon an optimal level within the economic setpoint. Mecham discloses a controller connected to an evapotranspiration module (Mecham, Column 3, Lines 57-60). At most, Mecham discloses that the requested watering needs are compared to a watering budget, with the central control unit granting permission to actuate the control valves only if the requested irrigation amounts meet any imposed budget limitations (Mecham, Column 18, Lines 55-62). The present invention determines the control parameters based upon an optimal level within the economic setpoint. For instance, the system may water less each day, water during certain times of day, etc. depending upon a host of factors including the economic setpoint. At most, a system such as Mecham's will cut off when a certain amount of water has been used. Mecham does not disclose even an attempt to optimize any such water usage based upon an economic setpoint. The system

of Mecham would water according to needs, so if the plants need water in the middle of the day, they would be watered, wasting water that evaporates quickly as the plants are being watered. If the water budget is exceeded, the watering stops. There is no optimization to this method of watering, only cutting it off at a point. The present invention plans the watering schedule and includes the economic setpoint in these plans. Thus, the plants are watered at an optimal time and amount. Mecham does not disclose this feature. For at least this reason, the rejection should be withdrawn.

Claims 30-35 and 37-42 are dependent claims. Because neither Petite nor Mecham, alone or in combination, teaches all of the elements in the independent claims, the dependent claims, which depend therefrom, also are patentability distinct from any prior art of record. For this reason, Applicant respectfully requests withdrawal of the rejection.

No extension of time is believed to be necessary to enter this amendment. If any other fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Applicant respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

Date: August 24, 2009

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